

## RESOLUTION NO. 2016-006

### RESOLUTION OF THE CITY OF ROHNERT PARK APPROVING THE THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH DUDEK FOR PLANNING AND ENVIRONMENTAL SERVICES AND AUTHORIZING THE FINANCE DIRECTOR TO TAKE RELATED ACTIONS

**WHEREAS**, the City currently requires services in connection with the development and community viability; and

**WHEREAS**, the City of Rohnert Park Municipal Code Title 3 Chapter 3.04 provides that the City's purchasing functions shall be governed by the city's purchasing policy; and

**WHEREAS**, consistent with City of Rohnert Park Purchasing Policy Section 7.2, Consultant meets the requirements for Sole Source purchasing as they perform a “complex and unique function” because they provide specialized planning services; and

**WHEREAS**, on August 26, 2014, City and Dudek (“Consultant”) entered into that certain agreement entitled “*Consultant Services Agreement*” (“Agreement”) to provide general planning and environmental services which was amended on December 9, 2014 and May 26, 2015; and

**WHEREAS**, Consultant is currently providing high-quality, cost-effective planning services through staff who are uniquely familiar with the City’s projects and requirements; and

**WHEREAS**, City and Consultant now desire to enter into a Third Amendment to the Agreement to provide for additional work for continued general planning and environmental services; and

**WHEREAS**, the cost of Consultant’s services, including those contemplated under this amendment are reimbursable to the City under deposit accounts and reimbursement agreements established with various project applicants.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AS FOLLOWS:**

**Section 1.**     Recitals. That the above recitations are true and correct and material to this Resolution.

**Section 2.**     Environmental Clearance. That the adoption of this Resolution and accompanying Amendment is exempt from review under the California Environmental Quality Act because the activity in question is not a project as defined under CEQA Guidelines Section 15378 in that there is no potential that the activity will result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

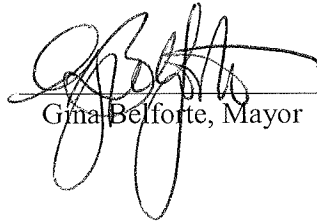
**Section 3.**     Agreement. That the Third Amendment to the Agreement between Dudek and the City of Rohnert Park is hereby authorized and approved in an amount not to exceed an additional one hundred forty-five thousand dollars (\$145,000.00).

**Section 4.**     Authorization. That the City Manager is hereby authorized and directed to take all actions to effectuate the Third Amendment to the Agreement for and on behalf of the City of Rohnert Park, including execution if necessary, in substantially similar form to the Third

Amendment attached hereto and incorporated by this reference as Exhibit "A," subject to minor modifications by the City Manager or City Attorney. That the Finance Director is hereby authorized to increase budgeted revenue and appropriations from applicant deposits and reimbursements as necessary to fund the contract services.

**DULY AND REGULARLY ADOPTED** this 26 day of January, 2016.

**CITY OF ROHNERT PARK**

  
\_\_\_\_\_  
Gina Belforte, Mayor

**ATTEST:**

  
\_\_\_\_\_  
JoAnne M. Buergler, City Clerk

Attachment: Exhibit "A"

AHANOTU: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye BELFORTE: Aye  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

**EXHIBIT "A"**  
**THIRD AMENDMENT TO THE**  
**CONSULTANT SERVICES AGREEMENT WITH DUDEK FOR**  
**FOR PLANNING AND ENVIRONMENTAL SERVICES**

This Third Amendment to Consultant Services Agreement between the City of Rohnert Park ("City") and Dudek ("Consultant") for additional services ("Third Amendment") is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016, ("Effective Date"), by and between City and Consultant.

**RECITALS**

- A. City and Consultant entered into that certain agreement entitled "*Consultant Services Agreement*" ("Agreement") to provide planning and environmental consulting services;
- B. City and Consultant now desire to enter into this Third Amendment to provide for additional work as described below.

**AGREEMENT**

NOW, THEREFORE, in consideration of the following mutual promises, the parties hereby amend the Agreement as follows:

- 1. **Scope of Services.** In addition to the services provided under the Agreement, Consultant shall provide additional services, including but not limited to, the preparation of necessary reports and documents with additional meetings as is more particularly described in **Attachment 1**, which is attached hereto and incorporated by this reference.
- 2. **Compensation.** Consultant shall perform the services described in this Third Amendment for a total not-to-exceed amount of \$145,000 thus increasing the total cost of the Agreement as amended to \$580,000.
- 3. **Agreement in Effect.** Except as amended by this Third Amendment, the Agreement and all of its amendments shall remain in full force and effect.
- 4. **Counterpart Signatures.** This Third Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS THEREOF, the parties have executed this Third Amendment as of the date first written above.

**CITY OF ROHNERT PARK:**

By: \_\_\_\_\_ / \_\_\_\_\_  
Darrin Jenkins, City Manager (Date)  
Per Resolution No. 2016-\_\_\_\_\_ adopted by the Rohnert Park  
City Council at its meeting of January 26, 2015.

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**DUDEK:**

By: \_\_\_\_\_ / \_\_\_\_\_  
Name: \_\_\_\_\_ (Date)  
Title: \_\_\_\_\_

By: \_\_\_\_\_ / \_\_\_\_\_  
Name: \_\_\_\_\_ (Date)  
Title: \_\_\_\_\_

## SCOPE OF WORK

May 2015

### A. Development Review Planning Services

Consultant will provide contract staffing services to assist the City of Rohnert Park staff with the project management and entitlement processing tasks for development projects under review at the City. Service covered under this section is for service that is reimbursed by private development and applicants under the City's cost recovery program. Tasks to be performed shall be specifically requested by City before and work is initiated and may include:

1. Environmental Document Preparation and Management Provide oversight and direction to project applicants and environmental consultants throughout completion of the EIR process, serving as primary contact between the City, the applicant and EIR consultant. Review and comment on the environmental documents on behalf of the Planning Division. Compile all EIR review comments completed by the various City departments and assist with the interdepartmental coordination of EIR-related comments as needed. Oversight and management of the EIR preparation; ensure routing of submittals to the appropriate departments and agencies; and provide EIR status/schedule updates. Ensure departmental files provide a legally-adequate EIR administrative record. Complete or review environmental documentation to ensure compliance with CEQA and other state regulations.
2. Application Review and Coordination Assist staff in ongoing processing and management of the applications; update and organize all project files; review and comment on all project submittals; and be responsible for scheduling regular meetings on an individual and group basis between City staff, applicant and other agencies as needed to ensure steady progress of the application processing. This would include communication and coordination with each of the City departments and agencies in a manner that will provide consistent responses and direction to the project applicant.
3. Development Agreement Provide support to City staff with Development Agreement negotiations and completion of draft DAs.
4. Staff Report Preparation Prepare staff reports for Park and Recreation Commission, Planning Commission and City Council hearing, resolutions, conditions of approval and findings, as directed by the Development Service Director.
5. Public Hearing Preparation Prepare public presentation materials, including staff reports and exhibits for the Commission and Council hearings.
6. Annexation Prepare annexation applications and coordinate process through LAFCO.

7. Project Implementation Review and provide input on all supporting plans, programs and actions to ensure that the project is consistent with City policies and environmental mitigation requirements. Coordinate update of Specific Plan, General Plan Diagram and Zoning Map to reflect final decision on development projects.
8. Other Work As directed.

**B. Biological Resources Studies, Permitting and Services**

Consultant will provide biological services to assist the City of Rohnert Park staff with the project management and entitlement processing tasks for development projects under review at the City. Service covered under this section is for service that will be reimbursed by private development and applicants under the City's cost recovery program. Tasks to be performed shall be specifically requested by City before and work is initiated and may include:

1. Biological Resources Assessments Review background information (soils, aerial photos, topographic maps, other environmental documents). Obtain report from the California Natural Diversity Data Base for special status species occurrences in the region. Perform query of the California Native Plant Society database for rare plants with potential to occur in the project area. Obtain a database report from the USFWS for special-status species with potential to occur in the project area and critical habitat. Conduct field survey of site to inventory vegetation types and wildlife habitat. Prepare a list of observed plants and animals. Prepare exhibits including habitat maps, species occurrence data, critical habitat, and ground photos. Identify the location of any special status species populations. Prepare Biological Resources Assessment report documenting results of research and field survey(s).
2. Special-status Plant and Animal Surveys Biologists will survey the site for the occurrence of special-status species according to applicable regulatory guidance for surveys within the Santa Rosa Plain Conservation Strategy Area. Prepare a list of species observed and field map locations of any rare plant populations or special-status animal species observed. Prepare exhibits to identify the locations of species mapped during the field survey. Incorporate the results of the survey into survey report include recommendations for appropriate mitigation strategies for any species identified.
3. Wetland Delineations and Verifications Wetland delineations will be conducted to the standards established by the San Francisco District Corps office. Obtain and evaluate background data, such as aerial photographs, soils maps, and other pertinent information. Conduct a wetland delineation according to the Corps' 1987 manual using the three parameter method described in the manual. Create a wetland delineation map showing the features identified as waters of the United States during the delineation site visit. Prepare a Wetland Delineation Report for submission to the U.S. Army Corps of Engineers. Work with the Corps to finalize verification of the Wetland Delineation map.
4. Resource Agency Consultation and Permitting Resource specialists will work on behalf of the City with applicable state and federal agencies to consult regarding Clean Water

Act, Endangered Species Act and other regulations to obtain information and permits, as needed.

5. Other Work As directed.